

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
2001 Jefferson Davis Highway  
Suite 602  
Arlington, Virginia 22202

## FAX TRANSMITTAL SHEET

RECEIVED

- 7 DEC 2004

Legal Staff  
International Division

DATE: December 7, 2004

TO: Ms. Somaia Basheir  
PCT Legal Office

FIRM: Patent and Trademark Office

CITY: Arlington TELECOPIER NUMBER: (571) 273-0459

FROM: Somchay Chinyavong

Re: Serial No. 09/890,684 filed August 2, 2001

NO. OF PAGES: 10 (Does Not Include This Transmittal Sheet)

### COMMENTS OR SPECIAL INSTRUCTION:

Attached herewith is a copy of the Petition for Removal of a Holding of Abandonment Under 37 CFR 1.181(a) along with attachments filed on May 8, 2004. I also gave a copy to Ms. India Evans on November 9, 2004. She said she will order the file, match it, and forward it to your office. As of today, you still don't have it.

It is my understanding that this file is charged to your old location, CP2, 7<sup>th</sup> Floor, today. Please contact Ms. Evans and ask her to send the file to a correct location. Thank you for assistance.

PLEASE CALL IF YOU HAVE DIFFICULTIES (703) 415-0880

The message transmitted under this cover is intended for the named recipient only, and may contain business confidential information, or information subject to attorney-client privilege or attorney work product immunity. In the event this message is received at a location where it cannot be conveyed to the named recipient, kindly notify the sender immediately by telephone/facsimile (if long distance, please call collect) and return the received message to us by mail. Thank you.

OCT-14-2004 16:08

Wood, Phillips

P.62

THE UNITED STATES PATENT OFFICE IS REQUESTED TO IMPRESS ITS STAMP ON THIS CARD AND  
PLACE SAME IN THE OUT-GOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED

BOH6278P0010US  
LVM/aa

## TRANSMITTAL OF DOCUMENTS

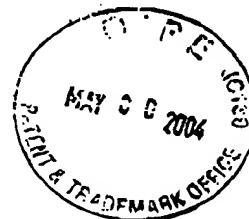
- 1) Petition for Removal of a Holding of Abandonment Under 37 CFR 1.181(a);
- 2) Copy of the Notification of Abandonment (Exhibit A, 1 page);
- 3) Copy of Response to Notification (Exhibit B, 2 pages);
- 4) Copy of Statement;
- 5) Copy of Notification to Comply with Requirements;
- 6) Sequence listing disk;
- 7) Copy of the return-self addressed post card;
- 8) This return postcard for:

U.S. Patent Application Serial No. 09/890,684

Inventor: Bullerdiek et al.

Filed: 08/03/01

Express Mail No: EV 348841303 US



May 6, 2004  
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER

OCT-14-2004 16:08

Wood, Phillips

P.45

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jom Bullerdick et al.	)		
		)	Group Art Unit:	N/A
Serial No.:	09/890,684	)		
		)	Examiner:	N/A
Filed:	August 3, 2001	)		
		)		
For:	Preparation for the Prevention	)		
	And/or Treatment of a Tissue	)		
	Change of Mesenchymal	)		
	Origin	)		

Commissioner For Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

**Petition for Removal of a Holding of Abandonment Under 37 CFR 1.181(a)**

A Notice of Abandonment was mailed in the above-identified application on April 26, 2004 (Exhibit A).

A Notification to Comply with Requirements For Patent Applications containing Nucleotide and/or Amino Acid Sequence Disclosures was mailed on the above-identified application on September 15, 2003 (hereinafter referred to as the "Notice"). The Notice stated that the computer readable form of the sequence listing was found to be damaged and/or unreadable. A substitute computer readable form was requested. The Notice provided a period of two months from the mailing date to file a response (i.e. to November 15, 2003).

On Monday, November 17, 2003 (November 15, 2003 was a Saturday), the undersigned attorney sent, via first class mail to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, a substitute computer readable form of the sequence listing and a statement by Armin K. Bohmann stating that the contents of the paper or compact disc and computer readable form were the same and involved no new matter. A return stamped-self addressed post card, listing these items was included and stamped by the US PTO as being received on November 20, 2003 (see Exhibit B).

The undersigned attorney submits that a Response to the Notice was timely filed and that the holding of abandonment is in error should be removed. Also, because the substitute computer readable form of the sequence listing has apparently been lost by the US PTO, the undersigned attorney herein submits a copy of the sequence listing filed on November 17, 2003.

The undersigned attorney submits that this Petition for the Removal of a Holding of Abandonment Under 37 CFR 1.181(a) has been timely filed (i.e., less than two (2) months after the mailing date of the Notice of Abandonment).

OCT-14-2004 16:08

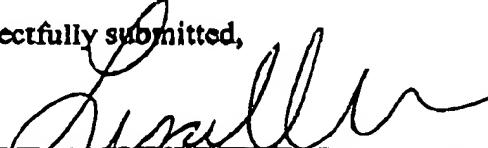
Wood, Phillips

P.04

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account number 23-0785.

Respectfully submitted,

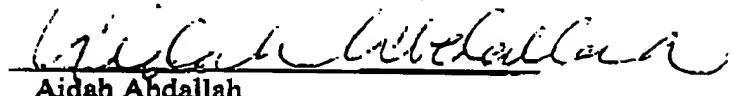
By

  
Lisa V. Mueller (Reg. No. 38,978)  
Attorney for Applicant

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 W. Madison St., Suite 3800  
Chicago, Illinois 60661  
(312) 876-1800

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express mail with Express Mail No: EV 348841303 US in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on May 6, 2004.

  
Aidah Abdallah

OCT-14-2004 16:09

W. Phillips



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Commissioner for Patents  
 PO Box 1450  
 Alexandria, Virginia 22313-1450  
 703-305-1440

P.05

U.S. APPLICATION NUMBER NO	FIRST NAMED APPLICANT	ATTY. DOCKET NO
09/890,684	John Bullerdick	BOH16277P0001
INTERNATIONAL APPLICATION NO		PCT/DE00/00364
IA FILING DATE		PRIORITY DATE
02/04/2000		02/04/1999

32116  
 WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
 500 W. MADISON STREET  
 SUITE 3800  
 CHICAGO, IL 60661

RECEIVED  
 APR 3 0 2004

371  
 ABANDONMENT/TERMINATION  
 LETTER

0000000012443465

WOOD, PHILLIPS, ET AL

Date Mailed: 04/26/2004

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 09/15/2003 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

INDIA L EVANS

Telephone: (703) 305-2936

## PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

EXHIBIT B

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jorn Bullerdiek et al. )  
 Serial No.: 09/890,684 ) Group Art Unit: N/A  
 Filed: August 3, 2001 ) Examiner: N/A  
 For: Preparation for the Prevention )  
 And/or Treatment of a Tissue )  
 Change of Mesenchymal )  
 Origin )

Mail Stop Missing Parts  
 Commissioner For Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

**Response to Notification to Comply with Requirements for Patent Applications  
 Containing Nucleotide and/or Amino Acid Sequence Disclosures**

In response to the Response to Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures mailed on September 15, 2003 in connection with the above-identified application, Applicants herewith enclose:

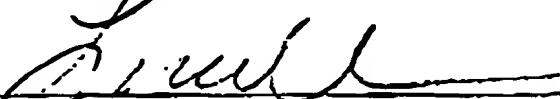
(a) A substitute computer readable form (CRF) of the "Sequence Listing" (corrected); and

(b) A statement by Armin K. Bohmann that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR Sections 1.821(c), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account number 23-0785.

Respectfully submitted,

By

  
 Lisa V. Mueller (Reg. No. 38,978)  
 Attorney for Applicant

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
 500 W. Madison St., Suite 3800  
 Chicago, Illinois 60661  
 (312) 876-1800

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on November 17, 2003.



AB6.: BOHMANN &amp; LOOSEN

08951558615;

P.08

08112012

**BOHMANN & LOOSEN**

Anwaltssozietät

US Serial No. 09/890,684  
Our ref.: B 10007 US

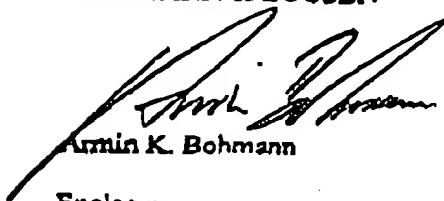
**Statement**

It is herewith declared that the content of the sequence listing in the paper format or computer readable format are the same and do not involve any new matter.

Additionally, it is declared that the information recorded on the data carrier is identical to the written sequence listing forwarded herewith.

Munich, November 14, 2003

BOHMANN & LOOSEN

  
Armin K. Bohmann

Enclosure:  
Sequence listing in paper format  
Disk with sequence listing



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 1-800-PTO-9199

P.09

U.S. APPLICATION NUMBER NO.

09/890,684

FIRST NAMED APPLICANT

John Bullerdick

ATTY DOCKET NO

BOH6277P0001

INTERNATIONAL APPLICATION NO

PCT/DE00/00364

IA FILING DATE

02/04/2000

PRIORITY DATE

02/04/1999

CONFIRMATION NO. 6746

371 FORMALITIES LETTER

\*OC000000010875041\*

32116

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
 500 W. MADISON STREET  
 SUITE 3800  
 CHICAGO, IL 60661

Date Mailed: 09/15/2003

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
 CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
  - **APPLICANT MUST PROVIDE:**
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 305-2936

DEC-7-2004 15:11 FROM:WOOD PHILLIPS ET AL. 7034150883

TO:5712730459

P:10/11

OCT-14-2004 16:05

D. Phillips

P.10

U.S APPLICATION NUMBER NO.

09/890,684

INTERNATIONAL APPLICATION NO

PCT/DE00/00364

ATTY DOCKET NO

BOH6277P0001

FORM PCT/DO/EO/922 (371 Formalities Notice)

OCT-14-2004 THU 15:32 TEL:7034150883

NAME:WOOD PHILLIPS ET AL.

P. 10

**BEST AVAILABLE COPY**

OCT-14-2004 16:04

d, Phillips

P.11

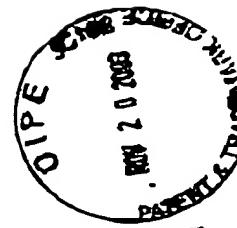
BOLKETSPONIUS  
LVMbk

## TRANSMITTAL OF DOCUMENTS

- 1) Response to Notification to Comply with Requirements and Certificate of Mailing;
- 2) A Substitute computer readable form (CRF) of the "Sequence Listing";
- 3) An executed statement by Armin K. Bohmann; and
- 4) This return postcard for.

U.S. Patent Application Serial No. 09/890,684  
Inventor: Bullerdick et al.  
File: 08/03/01

November 17, 2003



DT14 Rec'd PCPTPO 20 NOV 2003

WOOD, PHILLIPS, KATZ, CLARK &amp; MORTIMER

\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

TX/RX NO	7623
RECIPIENT ADDRESS	7034150883
DESTINATION ID	
ST. TIME	12/07 16:03
TIME USE	01 '32
PGS.	11
RESULT	OK

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